



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/905,130	08/01/97	WARD	K - 5659-165

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0M41/0226

EXAMINER
FALK, A

ART UNIT

PAPER NUMBER

3741

DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No. <b>08/905,130</b>	Applicant(s) Ward
Examiner <b>Andy Falik</b>	Group Art Unit <b>3741</b>



Responsive to communication(s) filed on Jan 20, 1999

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 3, 5-9, 11-13, 16, 18, 19, and 22-25 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 3, 5-9, 11-13, 16, 18, 19, and 22 is/are allowed.

Claim(s) 23 and 24 is/are rejected.

Claim(s) 25 is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The last five lines in claim 8 are confusing because of their redundant portions. To more distinctly claim it is suggested that the last two lines be deleted and on lines 22&23 "below at least ones of said" be changed to --beneath only one of said--.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claim 23,24 are rejected under 35 U.S.C. 102(e) as being anticipated by the recently issued Seabrook et al patent (US 5,826,627) wherein the weave pattern for the pair of web binder yarns A&B appearing in Fig.4 in the reference duplicates the instant first and second stitching yarns recited on lines 14-24 in claim 23. The conventional papermaking method steps

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recited at the end of claim 23 would be inherent to the papermaking machine recited on line 6 in column 1 in '627. Pursuant to claim 24, the plain weave pattern for the top MD, CMD, and stitching yarns is seen in Fig.4 in the reference. It should be noted that the claims 23&24 are essentially duplicates (except for the aforementioned method steps) of the claims 1&2 rejected at the top of page 2 in the previous Office action (Paper# 10). The examiner was in error for not including these claims in that rejection and accordingly,. Applicant's patience is solicited in this manner.

***Allowable Subject Matter***

Claims 3,5-9,11-13,16,18,19, and 22 allowed.

Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

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Any inquiry to the merits of this office action or to any specific features of this communication or earlier communications from the examiner should be directed to Andy Falik whose telephone number is (703) 308-1283. The examiner can normally be reached on Monday-Thursday from 7:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Calvert can be reached on (703) 305-3579 or 305-3580 or 305-3588. The fax phone number for this Group is (703) 305-3588.

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Any inquiry of a general nature such as a missing reference or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861. Any inquiry relating to the drawings should be directed to the Drafting Branch whose telephone number is (703) 305-8404.

  
**ANDY FALIK**  
**PRIMARY EXAMINER**  
**GROUP 3741**

AMF  
February 24, 1999